THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 21063 OF 2006

DATED: 11-10-2006

Between:

M. Laxman Rao … Petitioner

And

The Assistant Commissioner, Endowments Department, Vijayawada and another … Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 21063 OF 2006

ORDER:

Petitioner participated in the auction on 05-08-2005 for the leasehold rights of a fish tank belonging to the second respondent-Devastanam for a period of one year. Admittedly, the lease period is over. However, pursuant to a representation of the petitioner, the first respondent by its proceedings dated 22-08-2006 is stated to have extended the lease period up to 21-10-2006. In support of this assertion of the petitioner, a Form No.7 Receipt No.24 issued by the Executive Officer of the second respondent Devastanam is filed, which reads that as per the directions of the first respondent herein dated 22-08-2006, a pay order for Rs.5,000/-(Rupees five thousand only) is received extending the time up to 21-10-2006 to the former leaseholder, the petitioner.

Second respondent has a notified public auction to be held on 13-10-2006 for grant of leasehold rights of the Devastanam's Agricultural Properties including the fish tank to which the petitioner has a permission up to 21-10-2006 to catch fish. Petitioner is apprehensive that on the conduct of public auction on 13-10-2006,

possession of the fish tank would be forcibly taken and he would be deprived of his right to catch fish up to 21-10-2006. The learned Government Pleader for Endowments states that if the petitioner had been granted permission to catch fish up to 21-10-2006 and had paid the amount stipulated for such permission, the petitioner shall not be dispossessed prior to 21.10.2006 notwithstanding the conduct of the auction on 13-10-2006.

Recording this assurance advanced by the learned G.P. for endowments on behalf of the respondents 1 and 2, the writ petition is disposed of at the stage of admission. No order as to costs.

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GODA RAGHURAM, J.

Dt: 11-10-2006
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